

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE DAVID QUEZADA,

Plaintiff,

-against-

KRESHNIK BAKRAQI, THOMAS DEMKIW,
AND KELVIN GLOVER,

Defendants. :
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/26/2017

15-CV-10105 (VEC)(BCM)

ORDER ADOPTING REPORT &
RECOMMENDATION

VALERIE CAPRONI, United States District Judge:

In this 42 U.S.C. § 1983 case, Plaintiff Jose Quezada, proceeding *pro se*, alleges that he was falsely arrested, wrongfully prosecuted on charges arising from that arrest, and that following his arrest, he was unlawfully strip-searched and denied medical care. Defendants have moved for summary judgment on all of Plaintiff's claims. Dkt. 31. On February 11, 2016, this action was referred to Magistrate Judge Moses for the preparation of a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Dkt. 7; ECF Docket Entry, 2/11/2016.¹

On September 7, 2017, Magistrate Judge Moses issued her Report and Recommendation ("R&R"), recommending the Court grant Defendants' motion for summary judgment with respect to all claims. Dkt. 57.² Plaintiff had fourteen days to file written objections to the R&R, *see* 28 U.S.C. § 636(b)(1); Federal Rule of Civil Procedure 72(b), and an additional three days to file his objections because he was served by mail, *see* Fed. R. Civ. P. 6(d). Plaintiff has not filed any written objections to the R&R, and his time to do so has expired.

¹ This action was initially referred to Magistrate Judge Peck on February 10, 2016, and then was reassigned to Magistrate Judge Moses the next day.

² The R&R was initially issued on September 6, 2017; it was reissued on September 7, 2017, to correct a typographical error. *See* ECF Docket Entry, 9/7/2017.

DISCUSSION

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

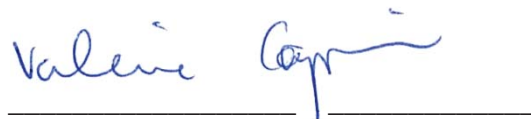
28 U.S.C. § 636(b)(1)(C). When no objections are made to a magistrate judge’s report, a district court may adopt the report so long as “there is no clear error on the face of the record.” *Phillips v. Reed Grp., Ltd.*, 955 F. Supp. 2d 201, 211 (S.D.N.Y. 2013) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). Failure to file timely objections to the magistrate judge’s report constitutes a waiver of those objections in the district court and on later appeal to the United States Court of Appeals. *See Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); *see also Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Because no objections to the R&R were filed, the Court reviews for clear error. *Phillips*, 955 F. Supp. 2d at 211. Upon careful review, the Court finds no clear error in Magistrate Judge Moses’s well-reasoned decision. Accordingly, the Court adopts the R&R in full.

CONCLUSION

Defendants’ motion for summary judgment is GRANTED. The Clerk of Court is respectfully requested to terminate Docket Entry No. 31 and to close the case. The Clerk of Court is further requested to mail a copy of this Order and the R&R to Plaintiff and note service on the docket.

SO ORDERED.

A handwritten signature in blue ink, reading "Valerie Caproni", is written over a horizontal line.

**Date: September 26, 2017
New York, New York**

**VALERIE CAPRONI
United States District Judge**